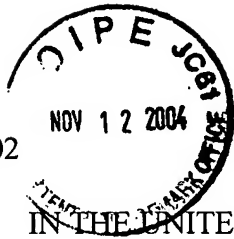


700250-1002



11/15/04

PATENT

Inventors: Christian John Greenfield

Serial No.: 10/788,713

Filing Date: February 27, 2004

Group No.: 3763

Examiner: Manuel A. Mendez

For: SYRINGE FOR SEQUENTIAL DELIVERY OF DIFFERENT FLUIDS

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

The above-identified application has been carefully reconsidered in view of the Office Action mailed October 1, 2004. Early and favorable reconsideration and allowance of the application are respectfully requested.

It is respectfully submitted that the Office Action mailed October 1, 2004 is legally deficient and therefore must be withdrawn.

In the first paragraph of page 3 of the Office Action, the Examiner states: "The Cohen and Richmond [references] do not disclose means for connecting the second fluid to be administered in fluid communication with a syringe needle. However, such piston design is conventional in the art is evidenced by the teachings of Gomez, et al. and/or Shaw." Contrary to the Examiner's assertion,

applicant respectfully points out that neither Gomez, et al. or Shaw teaches a structure capable of connecting a second fluid to be administered in fluid communication with a syringe needle.

Referring to Gomez, et al. patent number 3,363,950, a first component 40 of a medicament to be delivered is contained within a chamber 10. *See*, column 3, lines 56-73 of Gomez, et al. A second component 42 of the medicament to be delivered is contained in a second chamber 17. *See*, column 4, lines 29-33 of Gomez, et al. Immediately prior to administration of the medicament the first and second components thereof are mixed. This is accomplished by utilizing a double-pointed cannula (needle) to pierce the sack 16 and the plunger 17. The sack 16 is then compressed to force the second component 42 through the double-pointed cannula into the first chamber 10 containing the first component 40 of the medicament. The two components are then mixed by shaking. *See*, column 5, lines 35-68 of Gomez, et al. Following the mixture of the first and second components of the medicament, the structure shown in the drawings of Gomez, et al. is disassembled and the chamber 10 is inserted into a different type of syringe which is utilized to deliver the medicament to the patient. *See*, column 5, line 69 through column 6, line 7 of Gomez, et al. The second embodiment of the Gomez, et al. device operates generally similarly to the first embodiment thereof. *See*, column 7, lines 31-43 of Gomez, et al. Thus, applicant respectfully submits that Gomez, et al. comprises a device for mixing two components of a medicament just prior to the administration thereof, but in no way, shape, or form teaches a device for delivering a second fluid to be administered in fluid communication with a syringe needle.

The device disclosed in Shaw patent number 3,489,147 is likewise a device for mixing two components of a medicament prior to the administration thereof. *See*, the Abstract of the Shaw patent which appears at lines 11-27 of column 1 thereof.

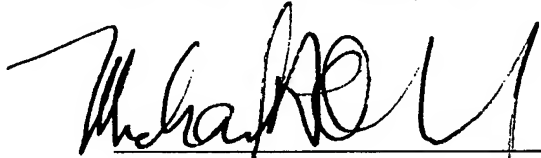
In conclusion, the Examiner admits in the first paragraph of page 3 of the Office Action that the primary references do not disclose means for connecting a second fluid to be administered in fluid communication with a syringe needle. As demonstrated above, neither the Gomez, et al. nor the Shaw patents teaches means for connecting a second fluid to be administered in fluid communication with a syringe needle despite the assertion by the Examiner that they do.

The information disclosure presented herewith comprises the references that were cited in the parent application. Applicant notes that the same Examiner was responsible for the prior application and the present application.


In conclusion, it is respectfully submitted that the application as now presented is in condition for favorable action and allowance.

Respectfully submitted,

MICHAEL A. O'NEIL, P.C.

A handwritten signature in black ink, appearing to read "Michael A. O'Neil", written over a horizontal line.

Michael A. O'Neil
Registration No. 23,007

Handwritten initials "DA" in black ink, positioned above the date.

Date: November 12, 2004
5949 Sherry Lane, Suite 820
Dallas, Texas 75225
(214) 739-0088
(214) 739-8284 (Fax)